

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALLSTATE INSURANCE COMPANY, *et al.*,)
)
 Plaintiffs,)
)
 vs.)
)
 OBTEEN N. NASSIRI, D.C, *et al.*,)
)
 Defendants.)
 _____)

Case No. 2:08-cv-00369-JCM-GWF

ORDER

Motion to Quash Subpoena (#595)

This matter comes before the Court on non-party witness Kirk Lamping's Emergency Motion to Quash Subpoena (#595), filed on June 6, 2013. This Court gave the Parties until 12:00 PM, Tuesday, June 11, 2013 to file any responses to the Motion (#595). *See June 6, 2013 Minute Order, Doc. #597.* No Parties filed a timely response.

Mr. Lamping seeks to quash the trial subpoena served upon him by Defendant Nassiri under Federal Rule of Civil Procedure 45. Rule 45(c)(3)(A)(ii) provides that a court must quash or modify a subpoena that "requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business[.]" Mr. Lamping is neither a party nor a party's officer in this action, and represents that he resides and works more than 100 miles from this District in Los Angeles, California. Furthermore, under Local Rule 7-2(d), the failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion. The time to oppose the instant Motion has expired, and no opposition has been filed. Accordingly,

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1 **IT IS HEREBY ORDERED** that Kirk Lamping's Emergency Motion to Quash Subpoena
2 (#595) is **granted**.

3 DATED this 11th day of June, 2013.

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6 GEORGE FOLEY, JR.
7 United States Magistrate Judge
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